

1 KODIAK/ALEUTIANS
2 FEDERAL SUBSISTENCE REGIONAL
3 ADVISORY COUNCIL

3 Taken at:
4 Council Chambers
5 Sand Point, Alaska

5 September 21, 2001

6 ATTENDANCE

7 Council Members Present:

8 Della Trumble, Chair
9 Alfred B. Cratty, Jr.
10 Vincent M. Tutiakoff
11 Pete M. Squartsoff
12 Paul Gunderson
13 Speridon Simeonoff, Sr.
14 Ivan D. Lukin
15 John A. Foster
16 Richard Zacharof

13 Coordinator:

14 Michelle Chivers

15 Others Present:

16 Tim Jennings, US FWS, Office of Subsistence
17 Management; Carl Jack, BIA/US FWS; Pat
18 Petrivelli, US FWS; Steve Guertin, US FWS;
19 Sverre Pedersen, ADF&G; Richard Uberuaga, US
20 FWS, Anchorage Subsistence; Stephen Fried,
21 US FWS/OSM Anchorage; Jim Larson, US FWS;
22 Mike Thompson, BIA; Mike Edwards, US FWS;
23 Dan LaPlant, US FWS; Dan Conolly; Dick
24 Jacobsen, Mayor, Aleutians East Borough;
25 Dave Fisher, US FWS; Robert Stovall, Kodiak
NWR.

1 MS. TRUMBLE: Call the meeting to
2 order. It's 9:08. I think we'll finish the
3 agency reports, partnerships, and fisheries
4 monitoring, Carl Jack; and also he's going
5 to address a biologist question we had.

6 MR. JACK: Good morning.
7 Last -- let me just start off
8 that, I, myself, have acknowledged a request
9 for divorce between Bristol Bay and the
10 Aleutians in this particular -- on this
11 particular issue. Last year Larry Buklis or
12 last spring Larry Buklis briefed you on what
13 the partnerships were all about and it's in
14 Tab L of your -- the briefing paper on
15 partnerships is on Tab L and it's the second
16 page, page 2.

17 Very quickly, what this program
18 is about, it's designed to build the
19 capacity of the rural organizations. And
20 the program was started -- why the program
21 was started was when Federal subsistence,
22 Federal government took over subsistence
23 fisheries management, there was an outcry
24 from the Alaska Native community that the
25 tribes were not involved in planning how the
26 government is going to initiate subsistence
27 fishing.

28 So, this came about -- the
29 program came about at the request of the
30 Alaska Native organizations, and this
31 message was carried out to Washington,
32 D.C. and when the jet -- when the program
33 was started, the work came down from the
34 D.C. office that out of the 40 authorized
35 positions to be hired by the office of
36 subsistence management, at least some ten
37 positions should be allotted to the Alaska
38 Native organizations.

39 To answer the question of who
40 will be involved, it's the office of
41 subsistence management and now what we
42 termed as rural organizations. And how it
43 will be implemented, it will be through the
44 809 agreements.

45 Where we are right now, the
46 program got a late start. There was
47 supposed to be tribal consultation in about
48 January that was delayed until the issue was
49 addressed by the staff committee and the

1 Federal board, and it really got started on
2 a serious consideration of -- to get it
3 started was around March, January, March.
4 And tribal consultation on this was
5 initiated in April, and after that -- that
6 was when a request was made by, for example,
7 Bristol Bay -- I mean, Bristol Bay Native
8 Association and that should be treated
9 separately from the Aleutian chain, and a
10 similar request was received from this area.

11 Those requests are now part of --
12 although in general, in terms of the
13 regions, there is still Bristol Bay, Kodiak,
14 Bristol Bay/Aleutian Chain as a region, but
15 when you look at the called-for proposal
16 there -- in view of the request that was
17 received by Bristol Bay and this area to be
18 separated, there is provisions for that.
19 So, this area can submit a proposal to OSM.
20 The deadline for proposal is October 10th,
21 and the evaluation panel will be constituted
22 shortly. That will be addressed by the
23 staff committee and a letter has been
24 drafted to the -- to the members of the
25 Federal Subsistence Board for each of the
agencies to request -- to select a member to
sit on the evaluation panel that will have
the responsibility of reviewing the
applications and then make a recommendation.

I believe in terms of the
milestone points between November and March,
the Federal Board will take up the
recommendations of the evaluation panel who
will be selected for funding and then the
809 agreements will be negotiated.

Now, we have been advised by the
office of contracting, Fish & Wildlife
Service that -- that the Federal employees
will not be permitted to provide technical
assistance to the applicants, mainly because
of the competitive nature of the
applications.

There has been some reaction to
this from other regions that they did
perceive it as kind of like a roadblock
for -- as to how -- kind of like a roadblock
to why the program was started. But that
was the word from contracting.

So, this is going to be somewhat
different from the 809 agreements that have

1 been negotiated before where the employees
2 of OSM were ready and willing to provide --
3 provide help to those partners.

4 So, Madam Chairman, that is where
5 we are. The call for proposal has been
6 published in the Federal Register, it went
7 down on August 15. A copy of it was -- was
8 mailed to the tribal organizations as well.

9 MS. TRUMBLE: Thanks, Carl.
10 Does anybody have any questions
11 for Carl?

12 MR. LUKIN: Carl, do you think
13 it's going to happen?

14 MR. JACK: It will happen, you
15 know. I, for one, respect the requests that
16 are made by the regions and it's very likely
17 that I will chair that panel. Probably play
18 tag with the chairman of the Federal
19 Subsistence Board on this.

20 Now, this statement may not go
21 well with the assistant regional director,
22 but personally, I have always looked -- my
23 role as a tribal advocate, even -- that's
24 what I was hired to do.

25 MR. LUKIN: I think there's some
26 questions in the back and concern about the
27 Aleutian Chain and Kodiak Island being such
28 a vast area, Aleutian Chain. I know it was
29 brought up before, but we enjoy working with
30 these people, but what's the cost of keeping
31 these two regions together? Is it cost
32 effective to keep it the way it is or split
33 Kodiak and Aleutian Chain?

34 MR. JACK: I can personally see a
35 split on this particular program, but on a
36 bigger issue of how I think FIS is done, I
37 think OSM will probably still maintain to
38 have that together.

39 Now, Steve is working -- he's an
40 FIS employee. He may have a different take
41 on this.

42 MS. TRUMBLE: When we met with
43 the chairs, Ivan, it wasn't an issue at all.
44 Everybody understood that Kodiak Aleutians

1 and Bristol Bay for various -- for a lot of
reasons, No. 1, we've got different issues.
2 We've got basically conflicting issues
almost at times. That being one of them.

3 But the other thing is the
difference in our two regions; and, of
4 course, what you just mentioned the vastness
in our region alone by itself. No one felt
5 it was an issue with us wanting to split at
all, and even the Federal Board. I think
6 the common feeling was that we agreed to
divorce. There was no problems with it.

7
8 MR. GUNDERSON: We agreed to
disagree.

9 MS. TRUMBLE: Anyway, so we'll
just wait to see what happens after we hear.

10 But it makes a lot of sense. I
know to some degree I had some concerns when
11 we went through the issue with the
extraterritorial jurisdiction, and I did
12 have some concerns because I talked to the
guys in the Chigniks, and they didn't have a
13 clue what was going on until I faxed them
some information. Of course, these are guys
14 I went to school with. They didn't have any
chairs at that portion of the meeting, but
15 that's Bristol Bay's responsibility, you
know.

16
17 MR. CRATTY: This is basically
about splitting the geologist. I don't see
any problem with Kodiak/Aleutians.

18
19 MR. SQUARTSOFF: Not at all.

20 MR. CRATTY: Not at all. I think
we work good together.

21 MR. JACK: Madam Chair, as you
will note in the briefing report, there's
22 six regions identified, but the calls for
proposal, we're talking about up to ten
23 positions. So, in terms of the split, the
exception is Southeast. No position is
24 allotted under this program for Southeast,
and this was done at the request of the
25 forest service. The position is not until
such time we get funding for this type of

1 program.

2 When you look at the criteria,
3 the criteria as to how the applications will
4 be reviewed are somewhat explicit. And the
5 first one to consider is -- that the
6 evaluators will consider is the extent to
7 which the applicants have support from
8 tribal organizations. So, that is going to
9 be -- to play a major role.

10 I might say that although this
11 program was started mainly because of the
12 request by the Alaska Native organizations
13 and not at the goodness of the heart of OSM,
14 this becoming a reality shows the
15 responsiveness of the agency in terms of,
16 you know, are we going to have a program?
17 And these partnership's positions, they're
18 envisioned to be able to work for the rural
19 organization and, in turn, enhance the
20 ability of the Fisheries Information System
21 to be able to do their work.

22 So, whatever information is
23 acquired through stock assessments and
24 traditional knowledge, we believe that it
25 will be a big help to OSM and fisheries
management personnel. We will be working
very closely, we believe, with the person
that has been hired.

15 MS. TRUMBLE: Carl, just a
16 thought here. I know when we covered this a
17 little bit, and I'm not sure -- I guess when
18 I was talking yesterday about the way the
19 funding is set up and it's split between
20 Bristol Bay and Kodiak/Aleutians, and I
21 think somebody did bring to my attention
22 that the funding is almost split 50 percent.
23 I think what I'm looking at more so is if
24 you look at Bristol Bay, Kodiak/Aleutians,
25 technically, you're looking at three regions
and whether that -- whether somehow if we're
going to split this funding, it can
technically be split three ways. That's
kind of what I was looking -- you know,
thinking about, because I know just from --
you know, technically, Kodiak and Aleutians
are two different regions. They have their
studies and things that they want. We have
ours, and Bristol Bay has theirs.

That may be something I can talk

1 to Bristol Bay about the next time we get
together, what their thoughts are on it.
2 I'm sure they're going to disagree to some
degree. But I think that's basically what I
3 was getting at.

4 MR. JACK: I'll carry that back,
you know.

5 MR. GUNDERSON: You're going to
6 get a lot of squawking on that one. You're
digging too far in the pot.

7
(Laughter.)

8 MR. JACK: We're looking at this
9 as a program. It's considered now one of
the high priorities of the assistant
10 regional director. And, as you note, in the
briefing, it's not just for a few years.
11 We're looking at increments of five years.
So, we believe that this program can go a
12 long way in providing capacity to the rural
organizations, for them to be able to really
13 get involved in research activities.

14 MS. TRUMBLE: Anybody have any
other questions?

15 Thank you.

The next thing we have on our
16 agenda is rural determination update.
Tim?

17 MR. JENNINGS: Good morning,
18 Madam Chair, and council members. I think
the best way to handle the update on this
19 item is to refer back to the minutes from
the last meeting under Tab C, page 11.

20 And I believe that this -- these
minutes from the last meeting where I
21 provided you the update of the process is
still an accurate description of where we
22 are in the process and what the goals are.
And you'll note under the second paragraph
23 that it was envisioned that at the winter
meetings in 2002 -- so your next meeting --
24 that we anticipate the councils will have an
opportunity to review and comment on draft
25 methodology if we stay on schedule.

In the first paragraph of the

1 briefing it talks about the Board directing
2 staff to work with a third-party contractor
3 to develop and review methodology for the
4 existing rural/nonrural determination
5 process, and the contracting process has
6 taken a little bit more time than
7 anticipated. It said here in the briefing
8 last spring that sometime this summer we
9 anticipated the contract to be awarded. To
10 date, the contract has not been awarded yet,
11 although I hear that we are anticipating
12 announcing the bid winner of that contract
13 in the very near future. I think it's very
14 close. And so the -- then the contractor
15 can get on board and begin the process.

16 And so that's really the only
17 update I have is that the contracting part
18 is taking a little bit longer, and we're a
19 little bit behind schedule as compared to
20 what we forecasted in the spring.

21 All the other steps in the
22 process remain in place. If there is
23 slippage in the schedule, we would still
24 anticipate the opportunity for council to
25 review and provide input on the methodology
itself, that the contractors proposed,
provide the input to the Board as the Board
makes its decision on if they believe it's
appropriate to change the methodology. Once
that methodology is set, either reaffirmed
or modified, then the councils will, again,
have the opportunity to provide input to the
Board in terms of which communities they
believe in their regions should be rural
versus nonrural. So, there's still that
full council involvement, and the other item
there that's still in place is that three of
the ten council chairs will continue to sit
with the Federal Board in the process.

26 Currently, those three chairs
27 were identified as Dan O'Hara from Bristol
28 Bay, Willie Goodwin from Northwest Arctic,
29 and Gerald Nicholia from the Eastern
30 Interior Region. Since there hasn't been
31 any activity recently, the Board hasn't
32 taken this item up on work sessions and
33 agenda. There's nothing I can provide you
34 from that point of view.

35 Madam Chair, that concludes my
briefing.

1 Any questions?

2 MR. TUTIAKOFF: No, I think it's
3 explained to me. I asked for that. We've
4 got 2002, two meetings to review their
5 process. You're going to hire a contractor
6 to do the actual review?

7 MR. JENNINGS: The technical
8 review, correct.

9 MR. TUTIAKOFF: Okay.

10 MR. JENNINGS: But the contractor
11 won't have the final say. They'll make
12 recommendations, and the councils will have
13 input. The Board will make the final
14 decision on where to go with this process
15 and you know what criteria they deem is most
16 appropriate.

17 MR. TUTIAKOFF: Thanks.

18 MS. TRUMBLE: Thanks, Tim.

19 MR. JENNINGS: Okay.

20 MS. TRUMBLE: The next item we
21 have is the traditional use permits.

22 MR. SQUARTSOFF: I just wanted to
23 put it on the table and see what everybody
24 thought about it. I just -- on the
25 subsistence issue, it just goes on and on
26 and on, and I just feel that maybe it's time
27 that the Native villages get something like
28 a traditional use permit and they must be
29 enrolled in the tribal -- to the tribe and
30 the community to be part of it. I just want
31 to see what everybody thought about it or if
32 anybody has any comment or how, if possible,
33 we could have a task force to work on it or
34 do some research or whatever.

35 MS. TRUMBLE: Tim, do you want to
36 take that one?

37 MR. JENNINGS: Okay. I'll give
38 that one a shot.

1 MR. CRATTY: For fishing and
2 hunting? Ducks?

3 MR. SQUARTSOFF: Whatever.

4 MR. JENNINGS: Well, Madam Chair,
5 council members, as you know, the tools
6 we're given to work with under ANILCA Title
7 VIII is rural residents of a region. And in
8 the regulations it doesn't make any
9 distinction, doesn't give any special status
10 or recognition to tribal entities, and so I
11 don't know if -- it's my belief, based upon
12 my knowledge of the regulations, it would be
13 very difficult to have a special use permit
14 in our program that is identified based upon
15 tribal or ethnic basis. And although, as my
16 good friend Carl Jack likes to point out --
17 I think he's correct -- the whole basis for
18 Title 8 was a recognition of the needs of
19 Alaska Natives' people, the final
20 regulations, and that practice prompted the
21 final ANILCA passage, what we ended up in
22 regulations was based upon rural residents,
23 and those residents were Federally qualified
24 for subsistence use under the Federal
25 program.

 So, I think it probably would
15 have some merit in terms of a proposal from
16 a tribal viewpoint. My feeling is from the
17 Federal perspective -- in our program we
18 would need to look at the rural residents of
19 the region.

20 MR. SQUARTSOFF: It was brought
21 up at a meeting in Kodiak and talked about
22 the salmon and talked about what people did
23 before it became statehood and was
24 traditional use. And after it became
25 statehood, then the subsistence came in.

26 MR. JENNINGS: I guess I was
27 keying in on the tribal component of it, not
28 so much -- am I missing your point, Pete?

29 MR. SQUARTSOFF: No, the
30 people -- if subsistence -- it all came from
31 all these meetings and wanting to do more
32 and more surveys, go to the villages and ask
33 the people what they do and what they use

1 and how much and all this and all that.
Some of the guys -- we're getting surveyed,
2 surveyed, surveyed. It's time we get
something back. Give us a traditional use
3 permit instead of a subsistence permit. The
State could still give their subsistence
4 permits to whoever else wanted a permit.

5 MR. JENNINGS: Well, I'll defer
to any other staff, either Pat Petrivelli or
6 Carl Jack or others if you see a different
angle on this.

7
8 MR. SQUARTSOFF: I just wonder
what the board members here thought.

9 MR. JENNINGS: Does anybody have
anything else? Do you want to --

10
11 MR. FRIED: You could certainly
have a different permit, a Federal permit.

12 MR. JENNINGS: That's what I was
going to key on; Steve mentioned it. If
13 it's the issue on what we call the permit,
subsistence versus traditional use, maybe if
14 the terminology is somehow needing to be
changed, I think that's a possibility. But
15 I think the permit, whether it's traditional
use or a subsistence permit under the
16 Federal program would look at the broad
representation within the region of rural
17 residents. And specifically, those -- those
rural residents who would have customary --
18 a positive customary and traditional use
determination. Maybe that's also where
19 you're going with the C and T
determinations.

20
21 MR. SQUARTSOFF: Yeah, it would
fall under that C and T.

22 MR. LUKIN: I think that would be
a good study. All you got to do is go to
23 the tribe and get the records of the
people -- the people that are in the tribes.
24 It shouldn't take years to do a study like
that.

25
MR. JENNINGS: So, I don't know,

1 Pete, if I entirely understand your
2 question. We can certainly continue the
3 dialogue and go back and explore further
4 options and alternatives.

5 MR. SQUARTSOFF: That's what I
6 was looking for. I really wanted to know
7 what the other council members thought about
8 it.

9 MR. JENNINGS: Okay.

10 MR. SQUARTSOFF: If it's
11 something worth pursuing or not.

12 MS. TRUMBLE: If you did
13 something with it, they'd have to be -- even
14 if you went through the tribal records and
15 stuff, they'd have to still be residents
16 within your units' communities.

17 I know our enrollment -- we have
18 a lot of people enrolled that don't live in
19 the community.

20 MR. GUNDERSON: I think that's
21 true for most communities all around the
22 country.

23 It sounds like a good idea. I
24 think it's too simple. It sounds like one
25 of them salesmen.

(Laughter.)

MR. SQUARTSOFF: I know a lot of
State people -- all State people probably
aren't going to like it, but State ADF&G. I
don't know. Maybe it would simplify things.

MR. LUKIN: I think it would --

MR. SQUARTSOFF: I think a lot of
people are tired of hearing the word
"subsistence." What is it? It's
traditional use to us.

MR. LUKIN: We have so many
tabled issues that are put off and off and
off. It's time to do something that our
people could look forward to, and say, "Hey,
these guys, they're finally doing something

1 for us on these Boards." It seems to me
every meeting that we attend, there's a --
2 one or two issues that are tabled for one
reason or another.

3
MS. TRUMBLE: Carl?

4
MR. JACK: I guess the long and
5 short of the whole thing, on both species
under Federal management, Fish & Wildlife,
6 for now, until the law is changed to change
the eligibility criteria, we're stuck with
7 rural, and that message has come from the
solicitor's office over and over and over
8 again.

No ethnic eligibility criteria.
9 That's the policy right now. It's in the
statute. It's not only a policy, it's in
10 the statute. So, until such time there's a
change we're stuck with that.

11 Now, there are other species that
are used for subsistence that are outside of
12 the ANILCA purview. For example, marine
mammals under section 101(b)(b), there is
13 an exemption for Alaska Natives. We can go
out and take the marine mammals and not
14 subject to any rules and regulations. In
other words, we have -- we exercise
15 self-regulations under MMPA. There are, for
example, now, a proposed rule under the
16 North Pacific Management Council that
recognizes halibut subsistence rights,
17 tribal subsistence rights. Although there
will be rules and regulations under that,
18 there's -- in halibut it will be -- the
eligibility criteria departs from the rural
19 and goes into tribal halibut rights. And
the same goes to migratory birds. Under the
20 protocol amendments to the 1916 Migratory
Treaty Act that was ratified by the U.S.
21 Senate in 19-- I think it was '97 that
allow for -- that recognize spring
22 subsistence hunting of migratory birds and
goes further to allow equal participation of
23 Alaska Natives in the management of
migratory birds with State and the Federal
24 government. So, there is some progress
being made in terms of allowing the
25 indigenous people of Alaska to be able to
participate in fish and game management

1 under those co-management areas, and in a
2 way the participation of the users under the
3 Federal ANILCA system allows for that under
4 the regional advisory council system, where
5 your recommendations will not just be thrown
6 away, but have to be rejected under very
7 strong reasons.

8 So, that's my comments.

9 MR. GUNDERSON: Last spring,
10 during -- I sit on that migratory working
11 group -- migratory bird working group, and
12 this same question was approached by some of
13 the Interior communities and some of the
14 coastal communities to do the same thing for
15 the purpose of egg-collecting and taking
16 birds and stuff for the spring as they were
17 interested in getting a -- basically a
18 traditional use permit to do these. So,
19 it's been addressed by other groups before.
20 I know there's a meeting coming up sometime
21 in November and I'll be attending that, so
22 I'll see how far that's gotten. But that's
23 under this -- it's under a total different
24 jurisdiction, so....

25 MR. JENNINGS: Carl brings up
some good points. I wasn't thinking about
these other programs. There's certainly
some other latitude there in some other
programs that Carl has mentioned. We talked
about the halibut yesterday.

MR. SQUARTSOFF: It was mainly
brought up by an Elder in Kodiak. He's the
one that was really stressing before
statehood.

MS. TRUMBLE: Is it something you
can look at like Elders, like basically the
State has if you're an Elder, after a
certain age you can get a hunting license
that you never have to buy every year, it's
there --

MR. SQUARTSOFF: They can't do
any hunting, though.

MR. CRATTY: Yeah.

1 MS. TRUMBLE: I see people out
there.

2 MR. SQUARTSOFF: What good is it?

3 MR. JENNINGS: Are we there yet?

4 Too old to go hunting?

5 (Laughter.)

6 MR. FOSTER: I have a question.
Do you just want to change the name, or do
7 you have to go through years of studies
again and rule changes?

8 MR. SQUARTSOFF: I really don't
9 know. I just want to know what everybody
thought about it and if it's worth pursuing
10 or not.

11 MR. FOSTER: I think it's
probably worth pursuing. I just don't want
12 to go through a whole bunch of studies
again. Instead of subsistence, now it's
13 traditional use. You can use all the
information that's out there on the
14 subsistence, maybe, you know....
I just don't want to have to go
15 through this with two, three years --

16 MS. TRUMBLE: A study on
subsistence.

17 MR. LUKIN: When these meetings
18 are held two times a year or something like
that, and the people in the communities are
19 notified about them, they should be
anxiously waiting to be played up. Most of
20 these seats here should be filled by people
from the community. I haven't seen any out
21 there.

22 MS. TRUMBLE: You just scared off
the one we had by the door, Ivan.

23 (Laughter.)

24 MS. TRUMBLE: Anything else?

25 Maybe we can check into it a little bit
more, and see what other regions think about

1 it.

Okay.

2 Go ahead.

3 MR. TUTIAKOFF: Traditional use
4 permits can be utilized -- what we're
5 talking about is only on Federal lands,
6 right?

MR. SQUARTSOFF: Right.

6

MR. TUTIAKOFF: They've
7 instituted in some village corporations
8 permits for hunting that allow shareholders
9 to do the hunt on their lands. I don't know
10 the process that we have to deal with with
11 the Federal properties or the refuges as
12 we're now aligned with the State and those
13 things we had which are just for indigenous
14 people that now goes to everybody. It's
15 going to be interesting to see if the other
16 regions are talking about this, if this has
17 been discussed, traditional use permits on
18 Federal property. It is too simple. Maybe
19 people want to make it harder than it is so
20 we can spend our time in these kinds of
21 sessions and debate them.

I think they ought to be pursued.

15 The other regions ought to be asked about
16 it. It's worth considering.

16

MS. PETRIVELLI: I just had a
17 question. If you're talking about a
18 traditional use permit, are you just
19 thinking that anyone would have one, would
20 have it for the species where there is a
21 customary and traditional use? Would they
22 still have to follow the regulations in the
23 regulations book? They would just follow
24 whatever they did before statehood.

21

MR. SQUARTSOFF: Federal
22 regulations.

23 MS. PETRIVELLI: Then they would
24 just report what they did.

24

MR. SQUARTSOFF: Same as their
25 salmon permit, I guess, would be the easiest
way.

1

MS. TRUMBLE: Robert?

2

MR. STOVALL: Pete, is it just --
would it be just Natives within the rural
communities, or would it be those people
living in the rural communities?

5

MR. SQUARTSOFF: Well, every one
from the tribal council would have to be
enrolled with the tribe in that community.

6

7

MR. STOVALL: A tribal council.

8

MR. SQUARTSOFF: Kodiak has a big
tribal council.

9

MR. STOVALL: Okay. I was just
curious about that.

10

11

MR. SQUARTSOFF: It was
mentioned, the State could still have their
subsistence for fish or whatever they have
for nonNative people.

12

13

MR. STOVALL: Also the Federal
subsistence program would continue on too.

14

15

MR. SQUARTSOFF: It would be a
lot easier enforcement for the State instead
of trying to regulate Federal lands too.
Federal would have to do their own
enforcement.

16

17

18

MS. TRUMBLE: Anything else?

19

MR. SIMEONOFF: I have a few
questions for the marine mammal section. I
know we got people who live in Anchorage who
can go down to Homer, Tatitlek, or whatever
and get harbor seal, but they live in an
urban area. They're allowed to go down and
do that. If we get a traditional use
permit, people in Anchorage or Fairbanks can
come back and have that permit from the
village corporation.

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1 technically, the law right now says if
2 you're part rural resident -- it doesn't say
3 whether you're Native or nonNative. It just
4 says a rural resident.

5 MR. JENNINGS: Correct.

6 MS. TRUMBLE: How would this
7 permit -- how would this work?

8 MR. JENNINGS: Well, that was my
9 question at the beginning of this discussion
10 was if it's going to be based on a tribal
11 basis, then I have questions about whether
12 or not it could be done, so under ANILCA
13 title 8, I think Carl, because of the rural
14 resident provision, I think Carl offered
15 other alternatives under other programs
16 where clearly there can be some tribal-based
17 co-management and other opportunities.

18 MR. GUNDERSON: That might cure
19 the State subsistence issue.

20 MS. TRUMBLE: That was my
21 thought. They ought to change it -- the
22 State needs to change it to a traditional
23 use permit for rural residents.

24 MR. CRATTY: I feel if you belong
25 to a tribe, you don't need a permit. You
ought to do what you want to do. I'm for
original rights.

MS. TRUMBLE: I think, but
then --

MR. LUKIN: Waiting for a motion,
Pete.

MS. TRUMBLE: It's got me
confused because it's too simple.
Anything else?

MR. JENNINGS: I can also mention
one other thing that I'm aware of is that
when our program receives a proposal to
change Federal regulations either fisheries
or wildlife proposals that is based upon,
say, a tribal or an ethnic basis, that

1 typically we will return the proposal to the
2 proponent with a letter saying that Title 8
3 of ANILCA cannot address the proposal
4 because it looks at -- under Title 8 in
5 statute and in regulations the tools that
6 were given, says rural residents. So, I
7 guess I mention that because I don't want
8 you to be misled that if we -- somebody
9 submits a proposal, it might actually be
10 taken up and would go somewhere if it was
11 based upon a tribal entity. I don't think
12 it would really go anywhere. That's what
13 I've seen in the past.

14 You get a letter back from the
15 chairman of the board.

16 MS. TRUMBLE: I'm sorry, Carl,
17 did you have something?

18 MR. JACK: On the eligibility
19 criteria, how that is exercised by the
20 Federal Subsistence Board is beginning to
21 have -- to get very close scrutiny by
22 external organizations, as was the case with
23 Kenai rural where the litigant requested
24 that a large amount of information -- I
25 guess from my perspective, to try to
establish -- if there is a pattern for --
for the Federal Board's leaning towards
Alaska Natives, that's as an example. So
that scrutiny is ongoing right now. For
example, very shortly, a number of
coordinators are going to be deposed by the
attorney for the Sierra Club probably just
on that issue. So, how the Federal Board is
exercising or discharging its responsibility
with -- within the context of rural
preference is being closely watched right
now. So I just want to point that out.

26 MR. JENNINGS: Just a minor
27 correction on what Carl just said. It's the
28 Safari Club litigation that Carl is
29 referring to, and it has to do with
30 litigation regarding the customary and
31 traditional use determinations. They
32 believe that some of those decisions made by
33 the Board have been arbitrary, capricious.
34 I think that's where they're headed.
35 That's -- and I just wanted to correct. It

1 was the Safari Club, not Sierra Club.

2 MR. JACK: Yeah, thanks.

3 MR. CRATTY: What are they
4 thinking about what the governor done now?

5 MR. JENNINGS: I don't have any
6 comment on that.

7 MR. SQUARTSOFF: Okay. Enough of
8 that. Start --

9 MR. LUKIN: I think, if we
10 haven't, I think we need to start learning
11 some of the laws from the beginning of this
12 nation. I really do.

13 MS. TRUMBLE: Okay. I know that
14 coffee is probably, finally done out there.
15 We'll take a five-minute break, get some
16 coffee, and I think we've got just the
17 moose, caribou, and talk about the bear
18 again, so we can get the letter out to
19 Larry. And date and location of the next
20 meeting, and we'll be done.

21 (Short break.)

22 MS. TRUMBLE: We've just got a
23 few more items to finish up here.
24 The next item is moose for 9D. I
25 think --

MR. GUNDERSON: You can start it
and I'll fill in the gaps.

MS. TRUMBLE: What we're thinking
about doing, we had some concerns about the
State increasing the 10 bull moose to 20,
and it looks like 12 of the 18 applicants
are out of our region. And so I don't know
if we can try to get ten of those permits or
increase ten more, but somehow -- or split
those permits, but we would like to, maybe
if we can get a motion to proceed with this,
but try and put together a proposal for ten
of the moose on Federal lands that would be
for people in our region.

1 MR. FISHER: Currently, there's
2 no Federal subsistence season for 9D. The
3 State has a season, and I don't see why we
4 couldn't initiate a season, propose a
5 season. I'm not sure of the dates, and I'm
6 not sure what the harvest limit would be.
7 I'm sure it would be a Federal registration
8 permit, something like that. What I need to
9 do is talk with Rick Poetter and find out a
10 little bit more from a biological aspect
11 what the numbers are there and what they
12 think would be -- what could be allowed for
13 harvest.

14 I not only -- I'll not only talk
15 with Poetter, I'll talk with Dick Sellers
16 and see what he says. I guess I can
17 coordinate with you and I can draft up a
18 proposal, run it by you and maybe you could
19 talk to some of the other council members
20 about it, and we will -- before this
21 proposal deadline is up, and if you want to
22 make some little minor changes, we can --

23 MR. TUTIAKOFF: What's the
24 season?

25 MR. FISHER: December 15th
through January 20th, one bull by permit
drawing.

 MR. JENNINGS: What are the dates
again, Dave?

 MR. FISHER: December 15th
through January 20th. They've issued
permits, but I don't think there have been
any animals harvested. Apparently, there's
enough animals there to allow for some
harvest.

 MR. GUNDERSON: I know of about
four that came out of there in the last four
years through the permits issued.

 MR. FISHER: Through the drawing
permits?

 MR. GUNDERSON: Yes.
The way we were looking at is is
we're the ones that initiated getting that

1 moose out to the open -- down to the area
2 for the use of the people from Sand Point
3 here, King cove, Nelson Lagoon, False Pass,
4 whoever has got access to that Federal
5 properties. And seeing that they -- Dick
6 Sellers made a survey last spring. I
7 believe he's about to come down and do
8 another one, from what I heard, for both
9 caribou and moose. And based on his
10 numbers, I believe is where they came up
11 with this 20 permits, and to be more
12 equitable to the people in the neighboring
13 communities, I think if there were a hunt on
14 Federal lands, for ten of those, I think it
15 would be more -- it would be more fair.
16 Because the way -- on the state-drawing
17 thing, on the mail service and stuff that we
18 got on some of these rural communities, by
19 the time they get the permits out, you got a
20 day or two before the deadlines. That's
21 what happened there at the lagoon several
22 times. You know, the deadline was up within
23 two days, and the next mail plane was in
24 three days, you're knocked out of the
25 program.

So....

14 MR. FISHER: Apparently there is
15 a C and T for moose in unit 9D and that's
16 the residents of Cold Bay, False Pass, King
17 Cove, Nelson Lagoon, and Sand Point. They
18 have C and T for moose. Is that adequate or
19 do we need to --

18 MS. TRUMBLE: I think if we can
19 look at the surveys, if we can actually get
20 as many as 20, it's a possibility.

20 MR. FISHER: The biology -- what
21 about the C and T? Currently, Cold Bay,
22 False Pass, King Cove, Nelson Lagoon and
23 Sand Point already have C and T for moose in
24 9D.

23 MS. TRUMBLE: I'm kind of
24 confused. What are you asking?

24 MR. CRATTY: He said they got C
25 and T. You already got the C and T. You
 don't have to go through that.

1 MS. TRUMBLE: That was my other
2 question.

3 MR. FISHER: Should we be looking
4 at adding to that? How do you feel about
the current C and T determination?

5 MS. TRUMBLE: I think it's fine.

6 MR. FISHER: Go with it until
we -- okay.

7 All right, then. I'll talk with
8 Poetter and talk with Sellers, and our
9 office will draft a proposal for
establishing a moose season and Della will
be my contact.
How do you feel about that?

10 MS. TRUMBLE: We'll have you work
11 with Paul on this, or between the two of us.

12 MR. FISHER: Okay.

13 MR. SQUARTSOFF: You know, Dave,
14 on these things there is no season at all,
then all of a sudden it becomes -- I really
15 feel on these kind of things that why
doesn't the State go to a Tier II? Why do
16 they go -- and then it goes from open,
closed. There is no Tier II in between.

17 MR. FISHER: I don't know. That
18 would be a --

19 MR. SQUARTSOFF: What I'm saying,
if there's a limited amount of animals to be
20 harvested, it should be a Tier II for
residents within the game unit.

21 MR. JENNINGS: Madam Chair, I had
22 the same thought, because that's the way
they handled caribou under Tier II in 9C and
23 9E, and then based upon the estimated
percentage of animals on Federal lands
24 versus State lands there's a split between
State Tier II permits and Federal permits
25 for caribou. And so that's one approach
that we could discuss.

1 MR. FISHER: I'll ask Dick that.

2 MR. SQUARTSOFF: At least you're
3 guaranteed to get the permits from the game
unit if it's Tier II.

4 MR. JENNINGS: That's been very
5 successful for the Caribou. I think 99
percent of those people under State Tier II
6 are the local residents.

7 MR. SQUARTSOFF: That's what Tier
II is, just within the game unit.

8 MR. JENNINGS: Yeah.

9 MS. TRUMBLE: That's State regs.
You could propose that.

10 We need a motion, at least, to
11 proceed with this and get the paperwork
done.

12 MR. GUNDERSON: I so move.

13 MR. TUTIAKOFF: Second.

14 MS. TRUMBLE: Motion made by
Paul, seconded by Vince --

15 MR. SQUARTSOFF: Call the
16 question.

17 MS. TRUMBLE: Question. All in
favor, signify by favor say, "aye."
18 Opposed, same sign.

19 COUNCIL MEMBERS: Aye.

20 MS. TRUMBLE: Motion carried.
The next is Caribou date change.
21 We want to change that to align with at
least the September 30th date with the
22 State.

23 MR. FISHER: Again, I can --
that's pretty straightforward, draft a
24 proposal to extend that.

25 MR. TUTIAKOFF: Move to change it
to the September 30th date.

1 MS. TRUMBLE: Motion made by
2 Vince to extend the date, September 30th.

3 MR. GUNDERSON: Second.

4 MS. TRUMBLE: Seconded by Paul
5 Gunderson.

6 MR. ZACHAROF: Question?

7 MS. TRUMBLE: All in favor
8 signify by saying, "aye."

9 COUNCIL MEMBERS: Aye.

10 MS. TRUMBLE: Opposed, same sign.

11 MR. FISHER: I'll draft the
12 proposal and run it by you and Paul.

13 MS. TRUMBLE: The next issue we
14 talked about in this workshop, it was
15 brought to my attention. We might want to
16 discuss it, but I think I've pretty much got
17 a sense of what we'll do. The issue that
18 came up in Kodiak was the bear and not
19 including Kodiak when the subsistence bear
20 was given out in Kodiak. And then it was --
21 the clarification was brought to us that
22 there was no C and T determination for
23 Kodiak being the reason why they weren't
24 given any bears. So, I think we probably
25 should get a letter to Larry VanDaele
clarifying why Kodiak was left out of that.
Al?

19 MR. CRATTY: Could I ask Robert?
20 I think the main reason Kodiak was left out
21 is because they didn't want it. I mean,
22 actually, the people there were all against
it. That's basically what I felt. The
villages are the ones that wanted it.

23 MR. STOVALL: Robert Stovall with
24 the Kodiak refuge. When the -- when that
25 proposal came out and the C and T was
determined, it was determined for just the
villages, and it was -- a lot of the
discussion took place at our regional

1 advisory council meeting. Al, of course,
2 was there and heard the comments from the
3 public that led one to believe that the
4 residents of the City of Kodiak and road
5 system weren't interested in having a
6 subsistence bear harvest.

7 And based on what I was hearing,
8 that's what I heard too. That's probably
9 the prime -- one of the reasons why the C
10 and T determination didn't come for the
11 Kodiak road system city area.

Vince was there, too.

12 MS. TRUMBLE: Can we just get a
13 letter --

14 MR. SQUARTSOFF: Should that come
15 from the refuge or from the Board or --

16 MS. TRUMBLE: Probably needs to
17 come from the Boards. I told them I'd bring
18 it back.

19 MR. JENNINGS: So, Robert, just
20 for clarification, you mentioned this
21 discussion occurred at an advisory committee
22 meeting, a regional advisory council
23 meeting.

24 A council meeting.

25 MR. STOVALL: That was held in
Kodiak.

MR. JENNINGS: I thought you said
advisory committee, thinking state.

There ought to be a transcript
from that meeting. We can go back and
review the transcript to make sure we have
an accurate assessment of what went on, and
we could also review the Board transcript
when the Board took the action to provide
the justification for that C and T.

MR. STOVALL: Yeah.

MS. TRUMBLE: Consensus.
Okay. That was the last item.
I think then --

Thank you.
-- is the date and the location

1 for the next meeting.

2 You have a calendar in the back
3 of your book.

3 MR. TUTIAKOFF: I'd like to
4 recommend March 18th and 19th as the meeting
5 days. Travel March 18th -- 17th and 20th.

5 MS. TRUMBLE: Is that going to
6 allow us enough time -- are we going to be
7 doing the public hearing on the goat at the
8 same time? Technically, we have enough time
9 for that, and then the meeting. Is that
10 going to be enough time?

11 MR. JENNINGS: We can adjust
12 those dates, Madam Chair, if we think the
13 agenda is going to be filled up with some
14 additional wildlife proposals that we
15 currently aren't aware of. We could work
16 with that. We could extend to a third day
17 there on the 20th, if we needed to.

18 MR. SQUARTSOFF: Right.

19 MS. TRUMBLE: Okay. Is that good
20 for everybody, in Kodiak?

21 MR. TUTIAKOFF: Kodiak. So move.

22 MR. SQUARTSOFF: Second.

23 MS. TRUMBLE: The motion was made
24 by Vince, seconded by Pete.

25 MR. TUTIAKOFF: Call the
question.

Question has been called,
question has been made, signify by saying,
"aye."

COUNCIL MEMBERS: Aye.

MS. TRUMBLE: Opposed, same sign.

Motion carried. I believe at
this time that takes care of our agenda. So
I thank everybody for making it and see you
all in Kodiak.

MR. TUTIAKOFF: Move to adjourn.

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MS. TRUMBLE: Motion made to
adjourn.

MR. SQUARTSOFF: Second.

MS. TRUMBLE: Seconded by Pete.

(Kodiak Aleutians Federal
Subsistence Regional Advisory Council
meeting adjourned at 10:30 a.m.)

1 I, Sandra M. Mierop, Certified
2 Realtime Reporter, do hereby certify that
3 the above and foregoing contains a true and
4 correct transcription of the
5 Kodiak/Aleutians Federal Subsistence
6 Regional Advisory Council meeting reported
7 by me on the 21st day of September, 2001.

5

6 Sandra M. Mierop, CRR, RPR, CSR

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